

REMARKS

Upon entry of this amendment, claims 13 and 15-25 are pending and under consideration. Claims 13, 15-17 and 19-25 have been amended in order to better point and out and distinctly claim the subject matter of the invention. Claims 1-12 and 14 were previously canceled.

Amendments to the Claims

Support for the amendments can be found throughout the specification, particularly on paragraphs [0053] and [0081] of the publication of the present application, US Pat. Appl. Publ. No. 2005/0000086. No new matter has been added.

Rejections under 35 U.S.C. § 103(a)

Claims 13, 19 and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki et al. (WO 99/40634 with its US counterpart, US Pat. No. 6,632,538) in view of either one of Barker et al. (US Pat. No. 5,871,865) or Tsukamoto et al. (US Pat. No. 6,022,642). Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of this rejection.

The claims as presently amended are directed to methods comprising, inter alia, sealing a battery device within an exterior material followed by charging and discharging of the battery device. The discharging step is followed by a heating step under a pressured state.

As set forth in the examples of the present application, a battery device is enclosed within an exterior film, and the outer rim of the exterior film is sealed to tightly seal the battery device in the exterior film (*See* par. [81]). The battery device, thus sealed within the exterior film, is then subjected to a first pressuring/heating process (*See* par. [0082]). Charging and discharging are applied after the above first pressuring/heating process (*See* pars. [0084]-[0085]), and a second heating processing follows after the charging and discharging (*See* par. [0102]).

Accordingly, the charging and discharging take place after the sealing of the battery device within the laminated film, not prior to the sealing as claimed by the rejection as claimed in the rejection. This is in contrast with the teachings of both Barker et al. and Tsukamoto et al., which both disclose charging and discharging prior

to the heat sealing of the laminated film. Consequently, the steps of the claimed method occur in a sequence differing from that of the cited references. The claimed method is therefore not obvious in view of the references, and the rejection should be removed.

Claims 13, 15-19 and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki et al. and either one of Barker et al. or Tsukamoto et al. as applied to claims 13, 19 and 23-25 above, and further in view of Kinsman (US Patent No. 4,069,578) and either one of Takeguchi et al. (US Patent No. 5,116,440) or Hass et al. (U.S. Patent No. 5,972,140). Applicants respectfully submit that, as the above rejection in view of Yamazaki et al. and either one of Barker et al. or Tsukamoto et al. is improper, the present rejection is also improper and should be removed.

Claims 20 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. and either one of Barker et al. or Tsukamoto et al. as applied to claims 13, 19, and 23-25 above, and further in view of Akashi (U.S. Patent No. 5,658,686). Applicants respectfully submit that, as the above rejection in view of Yamazaki et al. and either one of Barker et al. or Tsukamoto et al. is improper, the present rejection is also improper and should be removed.

Claims 20 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. and either one of Barker et al. or Tsukamoto et al. and Kinsman and either one of Takeguchi et al. or Hass et al. as applied to claims 13, 15-19, and 23-25 above, and further in view of Akashi. Applicants respectfully submit that, as the above rejection in view of Yamazaki et al. and either one of Barker et al. or Tsukamoto et al. is improper, the present rejection is also improper and should be removed.

Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. and either one of Barker et al. or Tsukamoto et al. as applied to claims 13, 19, and 23-25 above, and further in view of JP 11140209. Applicants respectfully submit that, as the above rejection in view of Yamazaki et al. and either one of Barker et al. or Tsukamoto et al. is improper, the present rejection is also improper and should be removed.

Claims 13, 15-21, 23, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hatta et al. (U.S. Patent No. 6,797,430) in view of either one of

Barker et al. or Tsukamoto et al. Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of this rejection.

As set forth above, the claims as presently amended are directed to methods comprising, inter alia, sealing a battery device in an exterior material followed by charging and discharging of the battery device, not prior to the sealing as claimed in the rejection. This is in contrast to the teachings of the cited references, i.e. charging and discharging the battery device within the laminated film prior to heat sealing. Applicants therefore submit that the rejection is improper and should be removed.

Claims 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hatta et al. (U.S. Patent No. 6,797,430) in view of either one of Barker et al. or Tsukamoto et al. as applied to claims 13, 15-21, 23 and 25 above, and further in view of JP 11140209. Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of this rejection. Applicants respectfully submit that, as the above rejection in view of Hatta et al. and either one of Barker et al. or Tsukamoto et al. is improper, the present rejection is also improper and should be removed.

CONCLUSION

Applicants respectfully request withdrawal of the rejections and believes that the claims as presented represent allowable subject matter. If the Examiner desires, Applicant welcomes a telephone interview to expedite prosecution and is available at the telephone number below. The Commissioner is hereby authorized to deduct any deficiency or credit any overpayment to Deposit Account No. 19-3140.

Respectfully submitted,

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